United Nations S/2003/90

Security Council

Distr.: General
24 January 2003
English
Original: French

Letter dated 24 January 2003 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit to you the letter dated 9 January 2003 from the High Commissioner for Human Rights concerning the fact-finding mission headed by the Deputy High Commissioner for Human Rights which visited Côte d'Ivoire from 23-29 December 2002.

I should be grateful if you would make this letter and the report of the fact-finding mission annexed to it available to the members of the Security Council.

(*Signed*) Kofi A. **Annan**

03-21245 (E) 250103 260103

Annex

Report of an urgent human rights mission to Côte d'Ivoire

[Original: English/French]

On 20 December 2002, the Security Council took note of the dispatch of a United Nations mission to Côte d'Ivoire to compile information on the human rights and humanitarian situation. The Government of Côte d'Ivoire gave its consent to the conduct of the mission.

The mission, headed by the Deputy High Commissioner for Human Rights, was in Côte d'Ivoire from 23 to 29 December 2002.

Contents

		Paragraphs	*Page*
I.	Introduction	1–5	5
II.	Approach of the mission	6–9	6
III.	Human rights issues at the root of the conflict	10–21	7
	A. National identity	11	7
	B. Concept of "ivoirité"	12	7
	C. Constitution	13–14	7
	D. Rural land ownership	15–21	8
IV.	A snapshot of the humanitarian situation	22–36	9
	A. Situation of displaced persons	25–26	9
	B. Situation of refugees	27–28	10
	C. A snapshot of the humanitarian situation in Yamoussoukro	29–30	10
	D. A snapshot of the humanitarian situation in Daloa	31–34	10
	E. A snapshot of the humanitarian situation in Bouaké	35–36	11
V.	The contours of the human rights situation	37–129	11
	A. Violations of the right to life	47–83	12
	1. Summary executions	49–54	13
	2. Death squads	55–59	13
	3. Mass graves	60–83	14
	B. Detentions and arbitrary arrests	84–88	18
	1. Allegations of forced disappearances and arbitrary arrests in the areas controlled by the national armed forces of Côte d'Ivoire	85–86	18
	2. Allegation of disappearance and arrests in the areas controlled by MPCI	87–88	18
	C. Disappearances	89–90	18
	D. Torture and inhuman and degrading treatment	91–96	19
	1. Acts of torture perpetrated by the MPCI combatants	93	19
	2. Acts of torture perpetrated by the national armed forces of Côte d'Ivoire	94	19
	3. Acts of torture perpetrated by the civilian population	95	19
	4. Acts of sexual violence	96	19
	E. The treatment of children	97	20
	F. Acts of incitement to ethnic hatred and xenophobia	98–104	20
	G. Freedom of expression and of opinion	105–115	21

1. The situation of journalists 106–110 21

2. The situation of political parties 111–115 22

H. Attacks on private and public property 116–128 23

1. Destruction of property 117–121 23

2. Looting and desecration 122–125 23

3. Cases of theft 126–128 24

I. International humanitarian law 129 24

VI. Analysis of the human rights situation 130–137 24

VII. Human rights in the peacemaking process 138–141 25

VIII. Paths to the future 142–151 26

IX. Conclusion 152–154 27

I. Introduction

1. On Friday, 20 December 2002, the Security Council expressed its deepest concern about reports of mass killings and serious violations of human rights in Côte d'Ivoire. It called on all parties to ensure full respect for human rights and international humanitarian law, particularly with regard to the civilian population, regardless of its origin, and to bring to justice all those responsible for any violation thereof. The Council welcomed the decision by the Secretary-General to request the High Commissioner for Human Rights to send a mission to gather precise information regarding the violations of human rights and international humanitarian law in Côte d'Ivoire, including through the dispatch of a fact-finding mission.[1]

2. Later that same day, the High Commissioner for Human Rights, Sergio Vieira de Mello, announced, through a spokesman for the United Nations, plans to send an urgent mission to the country. The week-long mission, headed by the Deputy High Commissioner for Human Rights, Bertrand Ramcharan, would travel to different parts of the country, speaking to government officials and other leaders, representatives of civil society, human rights organizations, representatives of international and regional organizations and others in a position to assist in assessing the human rights situation.

3. On Monday, 23 December 2002, the Deputy High Commissioner, accompanied by two human rights officers, a security adviser and an administrative assistant, left for Côte d'Ivoire. They were joined by a forensics expert. The mission stayed in the country until Sunday, 29 December, working through the Christmas holiday and meeting with Ivorian leaders until just before departing.

4. During its stay in the country, the mission met with the President of the Republic, the Ministers of Commerce (who represented the Minister of Human Rights — then absent from the country[2]), Foreign Affairs, Defence, Justice, and Interior, as well as leaders of the principal political parties. It met with leaders of the Mouvement patriotique de la Côte d'Ivoire (MPCI) in Bouaké as well as with leading human rights organizations, civil society and peace organizations, senior church officials, Christian and Islamic, the United Nations Country Team, members of the diplomatic corps and military personnel. The mission visited different localities in Abidjan and went to Yamoussoukro, Bouaké and Daloa. It visited common grave sites at Tapeguehe near Daloa and in Bouaké.

5. The dispatch of the mission one working day after the statement by the President of the Security Council presented administrative, financial and logistical challenges. Principal among those was the need for an emergency fund within the Office of the United Nations High Commissioner for Human Rights to make such urgent missions possible. The mission is grateful to all those who helped it take off in such a short period of time as well as to those who facilitated its tasks on the ground.

[1] See S/PV.4680.

[2] The Deputy High Commissioner for Human Rights had met with the Minister for Human Rights in Geneva the previous week.

II. Approach of the mission

6. The mission was mindful throughout its activities that Côte d'Ivoire has been a respected member of the United Nations and whose representatives have held important offices in the world body, including the presidency of the Economic and Social Council and the presidency of the General Assembly. The mission was further mindful of the historic political stability and economic prosperity of Côte d'Ivoire, which had allowed it to be home to millions of migrants (and some refugees) who had sought economic opportunities in the country, had made it their home and had contributed to its economic development. How had conflict come to such a country? How could it be helped to get out of conflict? How could human rights be respected in a time of emergency and conflict, and how could the hospitality and record of tolerance in the country be restored so that democracy and respect for human rights could be better assured in future? These were some of the questions raised by the mission.

7. Wherever it went, the mission underlined the desire of the United Nations to contribute to the restoration of peace while being faithful to principles of human rights and humanitarian law. The mission made it clear that it was not a commission of inquiry; nor was it in the country to point the finger of accusation at anyone. Rather, its aim was to gather information that might help the Security Council understand what was taking place on the ground and help in the search for peace. From these perspectives, the mission focused its search on measures being taken to safeguard human rights at a time of difficulties; measures being taken to prevent gross violations of human rights; measures of protection; measures to promote tolerance and good neighbourliness; and measures to uphold the rule of law and to bring to justice anyone who had transgressed the law.

8. The principal challenge that was posed at such a moment was how to safeguard human rights at a time when the Government and its supporters felt that the life of the nation was imperilled by those who had brought conflict to the country, while others, notably MPCI, felt that the Government lacked legitimacy, with the President having won elections in which only 13 per cent of the people had participated. The latter presentation of the situation was strongly contested by some of the political parties with whom the mission met. They pointed out that the constitution had been accepted in a referendum in which 86 per cent of the electorate had participated. The elections for the presidency, legislature and General Councils had been based on the same lists and the results had been accepted by all. Members of different parties were members of the Government.

9. Some looked to the Government to set an example of the rule of law and respect for human rights, while others, notably MPCI, accused it of deliberately breaching the ceasefire agreement and using mercenaries, who had committed serious atrocities, particularly at a mass grave site at Monoko-Zohi. Government leaders and supporters, for their part, accused MPCI and other "rebel movements" of using foreign forces and committing atrocities, notably the murder of dozens of members of the gendarmerie at Bouaké. There were thus two versions of events presented to the mission.

III. Human rights issues at the root of the conflict

10. There are several human rights-related issues that are at the root of the conflict: the difficult process of transition to multiparty democracy after three decades of guided democracy under a one-party State; the essence of nationhood and the contested concept of "ivoirité"; the qualifications to hold the highest office in the land; the right of long-term residents to enjoy their property and possessions in the rural areas and to pass on such property to their heirs; and the right of long-term migrants to become nationals of their adopted country on a basis of equality. Attached to the latter issue were questions of the issuance and handling of identity documents of migrants.

A. National identity

11. On the first issue, Côte d'Ivoire, after 1990, had seen the emergence of multiparties after three decades of a single party led by a respected and benevolent President. The rules of coexistence, the rules of competition, the process of holding elections and the routes to high offices all presented challenges, as several qualified leaders vied for the leadership of the country. In the process, the right of migrants to vote became relevant and the voting loyalties of those migrants entered the picture. In the former French territories, issues of nationality did not present difficulties. After independence, different nationalities commingled. Between 1960 and 1972 it was relatively easy to adopt Ivorian nationality. After 1972, the issue became regulated. There were several instances of persons holding non-Ivorian nationalities who had held high office in the country. More recently, the qualifications for election to high office had become contested.

B. Concept of "ivoirité"

12. On the second issue, the concept of "ivoirité" became heightened in the political tussle for power after the death of President Félix Houphouët-Boigny. Citizenship, nationality, and the right to be elected to high office became linked to this issue and excited deep passions. On the one side, there were those who considered it natural that a country would define the requirements for citizenship or nationality, while on the other, there were those who denounced the exploitation of this concept as having been at the origins of the crisis in Côte d'Ivoire.

C. Constitution

13. On the third issue, the new Constitution adopted in 2002 is an advance over that adopted in 1961, in that it guarantees the separation of powers, abolishes the death penalty and assigns a prominent place to the protection of human rights and public freedoms. Nevertheless, the Ivorian Constitution has created a good deal of resentment within the Ivorian community. Article 35 provides that, in order to be eligible for the presidency of the Republic, any candidate must be of Ivorian origin and born of parents who were themselves Ivorians. On the basis of this new provision, the Constitutional Chamber of the Supreme Court rejected the candidacy of 14 politicians (including that of Alassane Ouattara) who did not meet these new

requirements on the occasion of the 2002 presidential elections. The consequence of this decision was to exclude a large part of the Ivorian population from participation in the management of their country's public affairs and from enjoying equal access to public office.

14. On this issue, government representatives, with article 35 of the Constitution 2002 in mind, pointed out that many countries, including neighbouring countries, had parental requirements on the part of nationals wishing to present themselves for election to the presidency. Others pointed out that the article in question had the effect of preventing someone from running for the presidency who had held the high office of Prime Minister. They noted the incongruity of such a situation.

D. Rural land ownership

15. On the fourth issue, the problem of rural land ownership is a complex one, and gives rise to disputes both among Ivorians and between Ivorians and foreigners. Rural land ownership has been regulated solely by decree. No law in this area was adopted until 1998. Private individuals transferred and sold their property without recourse to the services of notaries. This absence of registration procedures has given rise to many rural land ownership contentions and conflicts.

16. In 1998, the bill on rural land ownership was passed by the National Assembly. The new legislation on rural land ownership establishes the principle that only individuals possessing Ivorian nationality may be landowners and purchase land in rural areas. This situation gives rise to disputes and to feelings of injustice among non-Ivorian owners, who are unable to derive the full benefit from their property, in that the 1998 Act does not permit landowners possessing foreign nationality to hand on their property to their descendants. They can only resell it before it reverts to the public domain.

17. On rural land ownership, Government representatives took the position that a country had the right to establish its property-ownership laws, while others pointed out that the application of the law on rural ownership had the effect of denying possession and use to migrants who had bought properties, established farms and businesses and were carrying on their activities peaceably. They claimed that what was really involved were efforts to dispossess and displace people who were thought to be supporters of the opposition.

18. On the fifth issue, from independence until 1972 individuals settled in Côte d'Ivoire could acquire Ivorian nationality by making a simple declaration to the competent authorities. Since 1972, blood ties have been the predominant factor in Côte d'Ivoire, reducing the various possibilities of obtaining Ivorian nationality. Thus, a person is or becomes Ivorian if he or she:

- Was born of Ivorian parents;
- Is married to an Ivorian;
- Was adopted by an Ivorian;
- Obtained nationality through naturalization.

19. The deteriorating economic conditions have led the Ivorian authorities to make the rules and procedures for obtaining nationality more stringent. In addition, in

1990 the then Prime Minister, Alassane Ouattara, introduced the residence permit for foreigners. This new permit was the source for a substantial accrual of revenue to the State finances, through the levying of a high tax for the issuance of this document. In addition, the residence permit accentuates the difference in status between Ivorians and foreigners.

20. Government representatives considered it natural that a Government would set requirements for the granting of Ivorian nationality, while others thought that the process was deliberately kept opaque and selective for political purposes. Again, it was asserted that the aim was to disenfranchise those considered to be opposition supporters.

21. Whether these different assertions are well-founded or not is not as important as is the fact that there are deep divisions over these issues on the part of different strands of Ivorian opinion which are strongly held. Added to this is the fact that members of the Government and their supporters are pained by the fact that, in their view, their democratic, peaceful and prosperous country has been brought to conflict by rebels who would destroy the country at a wink. The leaders of MPCI, however, saw the Government as lacking legitimacy and accused it of serving the interests of its supporters to the detriment of the country. Everyone looked to the United Nations to help them out of this situation. Interlocutor after interlocutor pleaded for a stronger United Nations role in the peace process. Their faith in the world Organization was touching. The mission promised to pass on this plea to the Secretary-General and the Security Council. It also promised to pass on the pleas of civil society organizations, notably women's organizations, for more humanitarian engagement by the international community. The mission was moved by the pleas of these women leaders who were at pains to understand that their beloved country of tolerance and order had been visited by the demon of conflict.

IV. A snapshot of the humanitarian situation

22. Keeping in mind that conflict has come to a once peaceful and prosperous country, it is important to have in view the consequences of the conflict for the civilian population and the resultant humanitarian needs.

23. The conflict has given rise to a substantial flow of internally displaced persons. Many migrants have returned to their country of origin. The mission visited a number of localities including Yamoussoukro, Daloa and Bouaké, at which it gained an insight into the progression of the humanitarian situation.

24. In a statement issued on 19 December, 2002 the International Committee of the Red Cross expressed its preoccupation that an increasing number of the wounded requiring evacuation from the fighting in the west of the country were women and children. It reminded the belligerents of their obligation to spare and protect civilians, an obligation under international humanitarian law to be respected in all circumstances.

A. Situation of displaced persons

25. According to figures provided by humanitarian organizations, there are over 600,000 internally displaced persons. About 300,000 people have fled Bouaké and

7,000 have fled Daloa. The World Food Programme and other humanitarian agencies and non-governmental organizations (NGOs) are assisting over 160,000 internally displaced persons in Yamoussoukro. About 80 per cent of the displaced are women and children. About 20,000 people have been rendered homeless in Abidjan owing to the deliberate destruction of shantytowns.

26. In December, the appearance of new rebel groups in the west of the country gave rise to further displacements of population towards the frontiers with Liberia and Guinea. Many immigrants wish to return to their country of origin, but their repatriation is made difficult by the numerous combat zones.

B. Situation of refugees

27. There are almost 72,000 refugees in Côte d'Ivoire, 60,000 of them in the reception areas in the north of the country towards the frontier with Liberia. In Abidjan, Bouaké, Man and Korhogo, the refugee population is said to be 12,000. Almost 32,000 Liberian refugees have reportedly returned to Liberia.

28. UNHCR is concerned about the situation of some 60,000 refugees from Liberia in a refugee camp in western Côte d'Ivoire and would like to move them to the south. The mission raised this matter with government ministers, who said they had security problems with such a move since it would be difficult to distinguish who was a refugee and who was a rebel.

C. A snapshot of the humanitarian situation in Yamoussoukro

29. Many displaced persons have found refuge in Yamoussoukro and surrounding areas. They are being assisted by humanitarian agencies.

30. Since 20 October 2002, the Yamoussoukro branches of national humanitarian agencies have received almost 25,000 displaced persons, 60 per cent of them children aged between 0 and 18 and 40 per cent men and women. The humanitarian agencies also fear a risk of the spread of HIV/AIDS as a result of the large number of rapes.

D. A snapshot of the humanitarian situation in Daloa

31. The mission met with the Prefect of the town of Daloa. In his statement, the Prefect emphasized that the population of Daloa is traumatized by the fighting and the possibility of further attacks by the MPCI combatants whose presence at Vavoua, close to Daloa, creates a climate of insecurity.

32. Almost 22,000 displaced persons are reportedly located in the Daloa region, where they are accommodated by families. Given the large number of displaced persons, a transit centre will shortly be set up and operated in Daloa by the World Health Organization.

33. Where the economy is concerned, the outbreak of fighting has led to the closure of many industries and transport companies; some companies, particularly sawmills, are standing idle as a result of the lack of raw materials.

34. In the social sphere, dismissals have taken place and have had the effect of placing families in a precarious situation.

E. A snapshot of the humanitarian situation in Bouaké

35. The mission met with representatives of humanitarian organizations in Bouaké. They told the mission that Bouaké was effectively a city under siege. About 660,000 people lived there. There was a serious shortage of food, medicines and medical supplies. Economic activity had come to a standstill. Banks and pharmacies were closed. Crops could not be sold because the routes to Abidjan were closed. While the crops of 2002 had been harvested, most of them could not be sold because the traditional route was to Abidjan. The lack of fertilizers and other supplies would render difficult the next year's crops. With the curtailment of economic activity there was high unemployment. The situation, socially, was explosive. Notwithstanding the efforts of the leadership of MPCI, there was pilfering. Humanitarian non-governmental organizations (NGOs) were short of funds and appealed for more contributions from donors. They also appealed for an urgent World Health Organization (WHO) mission to assess the health situation in the city.

36. According to the humanitarian agencies, continuation of the fighting risks creating major shortages in Bouaké region and a food and medical crisis that could lead to a population exodus from the north to the south.

V. The contours of the human rights situation

37. Côte d'Ivoire has ratified the main human rights conventions: the International Covenant on Economic, Social and Cultural Rights (in 1992)[3]; the International Covenant on Civil and Political Rights (in 1992);[3] the International Convention on the Elimination of All Forms of Racial Discrimination (1973);[4] the Convention on the Elimination of Discrimination Against Women (in 1995);[5] the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (in 1987);[6] and the Convention on the Rights of the Child (in 1991).[7] It has submitted some reports under these instruments and some reports are outstanding.

38. Although Côte d'Ivoire remains the country of the West Africa subregion that is host to many immigrants, it has not yet ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.[8] It has signed the Statute of the International Criminal Court.

39. Among regional instruments, Côte d'Ivoire has ratified the African Charter on Human and Peoples' Rights (1992) and signed the statute establishing the African Court of Human and Peoples' Rights.

40. Côte d'Ivoire has a Minister of Human Rights who, on 12 December 2002, issued a lengthy position paper on the efforts of the Government to respect human

[3] See resolution 2200 A (XXI), annex.
[4] Resolution 2106 A (XX), annex.
[5] Resolution 34/180, annex.
[6] Resolution 39/46, annex.
[7] Resolution 44/25, annex.
[8] Resolution 45/158, annex.

rights in the midst of a conflict. This effort by the Government faced with an emergency threatening the life of the nation is noteworthy — even if the impact of the Ministry of Human Rights is still to be felt within the country. As the paper recognizes, because of the war imposed on it, the Government of Côte d'Ivoire was led, in the early stages, to take emergency steps in order to ensure the safety of all populations living in the territory, namely in Abidjan, the economic capital city.

41. According to the position paper, it is in this respect that a curfew was implemented as well as the destruction of shanty dwellings, this last step being suspended later on by the head of State for humanitarian reasons. However, this standpoint can be defended security-wise, considering the fact that some hidden stocks of weapons belonging to the assailants had been discovered there. In citing these parts of the paper, the mission does not take a position with regard to them.

42. The position paper openly presents some of the difficulties of the situation facing the Government. It states that the Ivorian army, being in a situation of self-defence, only reacted to the attacks of the assailants for the purpose of freeing the Ivorian territory and ensuring the safety of peoples and properties. Its task is sometimes a delicate one, as sometimes it has to perform clearing operations to get rid of the assailants mingled with the population, or to put an end to the activities of their civilian accomplices.

43. The position paper states that during the fights, to keep public opinion informed of its actions, the Army staff published a daily press release, giving an account of its actions and the situation on the frontline.

44. In an important policy statement, the paper declares that the Ivorian Government says yes to the respect for human rights today and forever, in peacetime as in wartime. There are not many conflicts where one finds such policy commitments. What is crucial, however, is that human rights be protected by tangible actions. On this the jury is still out.

45. As the position paper of the Minister of Human Rights openly accepts, there are human rights problems in Côte d'Ivoire, in the areas under the control of the rebels as well as under the control of Government forces. The mission is satisfied, from the materials it has received and the meetings it has held, that the conflict has had serious repercussions on human rights.

46. The mission compiled information dealing with violations of the right to life, detentions and arbitrary arrests, forced disappearances, acts of torture and other inhuman and degrading treatment, treatment of children, acts of incitement to hatred and xenophobia, violations of the freedom of expression and opinion and damage to public and private property.

A. Violations of the right to life

47. The right to life is protected by article 6 of the International Covenant on Civil and Political Rights and article 4 of the African Charter on Human and Peoples' Rights, and is forcefully asserted in article 2 of the Ivorian Constitution.

48. Violations of the right to life are reflected in the widespread summary, extrajudicial and arbitrary executions carried out since the start of the mutiny in Abidjan, Bouaké and Korhogo. These executions have been carried out by the two

parties to the conflict. In addition, death squads and militias made up of autonomous elements are sowing terror and carrying out executions and abductions. Lastly, violations of the right to life are also reflected in the existence of mass graves.

1. Summary executions

49. According to some estimates provided in response to questions from the mission, between 1,000 and 2,000 people had been killed in the conflict so far. Many of those deaths were the result of summary executions. Human rights organizations, which had done their own investigations on the ground, informed the mission that there had been summary executions on all sides of the conflict. Amnesty International, in a communiqué issued on 19 December following the visit of a delegation to the north of the country, reported on disturbing incidents of executions committed by members of the armed opposition groups, including arbitrary arrest, disappearances and summary executions particularly directed at members of the law and order forces of the Government. Likewise, Amnesty International reported that, in areas under the control of Government forces, there had also been summary executions of people from the north or foreigners.

50. One human rights organization, responding to a specific question from the mission, said that it was aware of some 150 executions committed in government-held areas. It acknowledged that the rebel forces had engaged in widespread summary executions, which, especially at the start of the conflict had been numerous, but they could not place a figure on it.

51. The crisis began on 19 September with a series of summary, extrajudicial and arbitrary executions of political and military leaders in Abidjan. General Guéi, the former head of the military junta, and seven members of his entourage were executed. Three migrants from Burkina Faso (Yabré Sebre, Masse Haidou and Masse Ali) were also executed. According to testimony compiled by Amnesty International, these executions were carried out by the security forces.

52. Other politicians and members of the military were also murdered, including Maître Emile Boga Doudou, Minister of the Interior and Decentralization, and Colonels Dagnou, Dally and Yodé. According to the Government, these executions were carried out by MPCI combatants.

53. Many executions of gendarmes and police officers in Abidjan, Bouaké and Korhogo when the MPCI combatants advanced into these towns were reported. Other testimony stressed the summary executions of individuals said to have committed thefts in MPCI-controlled areas.

54. Many pieces of testimony agree in reporting the summary execution by MPCI combatants of about 10 women in the town of Sakassou, about 10 km from Bouaké. These women are said to have been arrested and executed because they were performing a dance of exorcism.

2. Death squads

55. Many murders of politicians, businessmen and others have taken place in the economic capital, Abidjan. According to testimony that was received, these murders are organized by death squads and private militias:

(a) On 2 November 2002, Emile Tehe, the chairman of a small opposition party, the Mouvement Populaire Ivoirien, was executed. His body was found on the main road near the Banco forest in Abidjan;

(b) On 8 November 2002, Dr. Benoît Dakoury-Tabley, the brother of Louis Dakoury-Tabley, the coordinator of MPCI, was murdered after being abducted. Dr. Dakoury-Tabley had previously been held for two days by the Ivorian security forces for questioning;

(c) On 6 November 2002, Rady Philippe Mohamed, the director of a chain of supermarkets ("Le Moins Cher") was attacked at his home by unknown persons and died.

56. Currently, the Government authorities state that they have not identified the members of the squads and attribute these acts to possible settling of accounts. The Government authorities are taking steps to reduce and put an end to these crimes. Investigations are under way; additional security forces (soldiers, gendarmes and police officers) have been deployed throughout the areas controlled by the Government authorities to provide security for families and their property. Lastly, many roadblocks have also been put in place.

57. The mission compiled information to the effect that the death squads are made up of elements close to the Government, the Presidential Guard and a tribal militia of the President's ethnic group. Names were provided.

58. According to the various sources of information, many executions have also been committed by the death squads in Banco forest, Abidjan. Bodies of people executed have been found there. The forest is reportedly now being kept under surveillance by the national army.

59. The death squads are said to be fairly well organized and to have lists of people to be executed. These assertions were confirmed by a number of witnesses. In addition, the national armed forces of Côte d'Ivoire based in Daloa informed the mission of the existence of blacklists of people to be executed circulating in the areas controlled by the MPCI combatants.

3. Mass graves

60. Allegations about the existence of mass graves have been made in respect of three places, Daloa, Bouaké and Monoko-Zohi. The last area is under rebel control in the western part of the country, where the security situation made it impossible for the mission to attempt a visit. There were clashes between rebel forces and the French forces monitoring the ceasefire on the very day that the mission was in the region, at Daloa, some 50 kilometres away.

61. The mission was able to visit Daloa on 27 December and Bouaké on 28 December. On each visit, the mission included a forensics expert with long experience in field investigations. As mentioned above, on the day the mission visited Daloa, there was a clash in Duékoué, some 50 kilometres away. The mission went to Daloa by road, escorted by an Ivorian military detail. The visit to Bouaké came a day after the clash between rebels and the French ceasefire monitoring force in Duékoué. The visit was made possible by the use of a French helicopter and an escort detail by the French forces into the city. Going into Bouaké a day after the clash in Duékoué presented risks to the French forces. The mission is deeply

grateful that, notwithstanding the risks, they courageously facilitated the visit of the mission. As an example of what was involved, a French escort of six men took the mission into Bouaké, a city of throngs of armed forces whose presence was visible in the streets and localities.

(a) Visit to Daloa

62. Daloa saw intensive fighting around 12 to 14 October. It was taken by rebel forces on 13 October and retaken by Government forces on 14 October. Doubtless, soldiers on both sides died in the fighting and, in all likelihood, first the rebel forces and then Government forces engaged in reprisals. According to senior military officers with whom the mission spoke, when the rebel forces took the town on 13 October, some civilians supporting them went with them around the city pointing out Government soldiers in civilian clothing. Some Government soldiers were killed summarily. The mission spoke to an eyewitness, a Government soldier who had been taken with four others who had been manacled and shot to death. He managed to escape because he had not been manacled. The mission was given the names of Government military personnel who were missing.

63. The mission asked the Government military personnel in Daloa whom it met whether there were any mass graves in the city, or reports of such graves. The mission was categorically told that no such mass grave existed save one common grave, containing four bodies. The mission visited the site in the village of Tapeguehe accompanied by Government soldiers. The mission was told that seven bodies had been found by the road side and four others had been buried by villagers because they had been in an advanced stage of decomposition. The site was about 30 feet in diameter, with upturned earth showing the marks of vehicles. There was no grass growing on the site. The burials had allegedly been done in October.

64. The mission asked the Government military personnel about reports that some 70 persons, mainly Muslims, had been killed by Government soldiers after they had retaken the town. They indignantly denied this. One of the interlocutors was an instructor in international humanitarian law who had done courses at the International Institute of Humanitarian Law in San Remo, Italy. He said that the Ivorian armed forces were regularly instructed in international humanitarian law and the protection of civilians was part of the credo of the Ivorian army. Furthermore, in the combat to retake Daloa, care had been taken not to target civilian objects. In reporting this, the mission does not take a view on these statements.

65. The mission visited the office of the Procureur in Daloa. Among the questions the mission asked the Deputy Procureur, whom it met in the absence of the Procureur, was one about his experience in seeking to uphold the rule of law in the midst of an armed conflict. He replied that war removed the key requirements for the rule of law and one of the particular problems encountered was the absence of magistrates in the face of advancing armies. The magistrates fled for their lives and there was no one left to call to account military forces — even if that could be done in the case of rebel armies advancing on a city.

66. The mission asked the Government military leaders whether anyone had been brought to justice because of excesses. They answered in the negative.

67. The mission met the Prefect of Daloa, who shared the anguish of the population over the fighting in the city. At the same time, following the retaking of

the city by Government forces, it had received some 11,000 displaced persons whom it had tried to assist as best it could.

(b) Visit to Bouaké

68. In Bouaké the mission met with Mr. Guillaume Soro and a delegation consisting of seven others, military and civilian. They were pleased that the mission had come to Bouaké as they were keen for their position to be understood by the international community.

69. Mr. Soro told the mission that they were surprised that the international community had not foreseen the looming conflict in Côte d'Ivoire, which had been evident since the death of President Félix Houphouët-Boigny. Following his death, as politicians scrambled for power, some exploited ethnic differences. The concept of "ivoirité" had been touted and people were viewed as being between 100 and 15 per cent Ivorians. "The quality and colour of blood", he said, defined nationality in the eyes of some. That had destabilized the country, which hitherto had been a country of tolerance. The politicians had not been up to the task and had been unable to work out a path to the future after the death of President Houphouët-Boigny.

70. Unfortunately, he continued, those ethnic-based concepts had been incorporated into legal texts, the Constitution being principal among them. At the last presidential elections, only 13 per cent of the electorate had participated. The legitimacy of the elections had, at one stage, even been contested by Mr. Laurent Gbagbo himself. Many local and international leaders had called for new elections. That was the key to the solution of the Ivorian crisis.

71. Even leaving aside the fact that the elections had had a turnout of only 13 per cent, the Government had been unable thereafter to forge a national consensus. Resort to the concept of "ivoirité" had been intensified and people were targeted. The massacre at Youpougon was a case in point. The gendarmerie had been responsible for that massacre. Why had the international community not reacted to that massacre and to the report of the international commission of inquiry? Impunity was rampant in the country.

72. The Reconciliation Forum had made strong efforts, but that had not influenced the Government. Instead, strong-arm tactics had been used by it and its supporters. The problem of the mutineers could have been defused, as President Houphouët-Boigny had done on an earlier occasion in 1990. Statesmanship was required in such a situation. The Government had chosen the path of muscle. Death squads had begun to operate in Abidjan. During the current conflict, Government soldiers had massacred people in Monoko-Zohi, and there were recent reports of common graves in Man and Danané attributable to Government forces.

73. Mr. Soro continued that the MPCI conflict was not against the people. They had tried hard to insulate civilians from the conflict. The objectives of the MPCI were to restore the dignity of the people of Côte d'Ivoire. Sovereignty must be restored to the people. The President could not go on. There must be a transition period leading to anticipated presidential elections. The Constitution must be reviewed and the offending parts removed.

74. There was urgent need for a rational negotiating framework. The ECOWAS-led negotiations would not succeed because some of their leaders had themselves

emerged after suspect elections. The United Nations must take a stronger role in the negotiations.

75. The international community must conduct inquiries into atrocities committed by Government forces. At Monoko-Zohi, for example, mercenaries employed by the Government had killed 120 people and buried them in a mass grave. The village was one where there had been only six opposition soldiers who had withdrawn on the approach of the mercenaries. The people killed at Monoko-Zohi, therefore, could not have been killed in combat. It was a sheer massacre. There had been similar massacres by Government soldiers in Daloa.

76. After the presentation by Mr. Soro, the mission asked about measures for the protection of human rights in areas held by MPCI. The MPCI delegation replied that they had given strict orders to respect the population and that those orders were being followed. Any case of pilfering that came to their attention was dealt with. MPCI was careful not to alienate the people in their struggle.

77. The MPCI delegation added that they had the military capacity to move on to, and take, Abidjan but had chosen not to do so up to now, out of a desire to prevent unnecessary suffering on the part of the Ivorian population. That was why they had chosen the path of negotiations. However, the Government had resorted to arms purchases and mercenaries and would bear responsibility in the event of an all-out conflict.

78. The mission asked about reports that MPCI had detainees, including some members of the gendarmerie. The MPCI delegation replied that they did, indeed, have detainees, but did not comment on whether they included members of the gendarmerie.

79. The mission asked about reports that a mass-grave site existed in Bouaké with the remains of dozens of executed members of the gendarmerie. The MPCI delegation denied this. They said that after the fighting there had been many corpses, of Government and MPCI soldiers, who had been buried in a common grave.

80. The mission asked if it could visit the grave site. The MPCI delegation answered in the affirmative and took the mission to a cemetery on the outskirts of Bouaké where, the mission was told, some 50 people had been buried in two common grave sites. The site was one with many mounds, with no grass growing on them. Two of the mounds were said to contain the corpses. The mission's forensic expert inquired into several aspects of the sites and was given general answers.

81. According to information provided by a military official of MPCI, almost 50 uniformed soldiers are buried in the two common graves, with the small grave containing 20 bodies of MPCI combatants and the large one the bodies of members of the national armed forces. Civilians are said not to be buried in the common graves.

82. The mission heard, however, from sources that appeared reliable, that dozens of gendarmes had been executed in Bouaké in the early days of the conflict.

(c) Allegations of the existence of other mass graves

83. The MPCI combatants provided the mission with information on the existence of other mass graves in the combat zones. The mass graves are said to be five in

number, three of them at Man and two at Danané, 72 kilometres from Man. The MPCI combatants also stated that these mass graves came into existence after the recapture of these towns by the national armed forces.

B. Detentions and arbitrary arrests

84. All sides in the conflict have people in detention. The figures are not easy to ascertain. A human rights organization had estimated at 150 the number of people arrested by the forces of law and order of the Government during the period from September to December. However, it did not know how many had been released and how many were still in detention. On the rebel side, it is known that they have many people in detention, including members of the forces of law and order of the Government, but the numbers are not known. It is believed, however, that they had 11 members of the gendarmerie in detention.

1. Allegations of forced disappearances and arbitrary arrests in the areas controlled by the national armed forces of Côte d'Ivoire

85. Journalists and opposition party activists have been arrested by the security forces. The journalists are released fairly quickly as a result of external pressure. The mission received no precise information on the number of people arrested by the security forces. The mission was informed that five people have been detained for several months in the Intelligence Service:

(a) Mamadou Cisse (who is close to the Rassemblement des Républicains party) and navy sergeant Tarine, said to have been detained since 20 September 2002;

(b) Fofana Zian since 13 August;

(c) Gendarmes Cisse Brama and Moussa Kone since 2 September.

86. Since 19 December 2002 Sergeant Alain Guéi, son of the late General Guéi, has been detained in the Abidjan military prison. This information was confirmed by the Minister of Defence.

2. Allegation of disappearance and arrests in the areas controlled by MPCI

87. In Bouaké, the mission was informed that people are being held in secret by the MPCI combatants and that gendarmes are said to be hiding in the town. Since the arrival of the French troops, there have reportedly been no summary executions of gendarmes in Bouaké. The MPCI combatants asserted that they have people in detention, but gave no indication of their number.

88. According to testimony that was received, gendarmes held by the MPCI combatants are compelled to fight in the ranks.

C. Disappearances

89. There are cases of disappearances on all sides of the conflict but the numbers are not known. A human rights organization assessed at 11 the number of disappeared people in Government-held areas. It accepted that disappearances also

took place in the rebel areas but, not having been able to conduct on-the-spot investigations, could not cite a number.

90. In some cases, according to testimony that was received, the disappearances of gendarmes were simply cases of desertion.

D. Torture and inhuman and degrading treatment

91. Acts of torture are prohibited by many conventions, including article 7 of the International Covenant on Civil and Political Rights, article 2 of the Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment and article 5 of the African Charter on Human and Peoples' Rights.

92. Human rights organizations spoke of incidents of torture on all sides. However, there was no evidence that it was widespread. The mission received some information on cases of torture inflicted by the two parties to the conflict and also by the civilian population. Cases of rape, including gang rape, were often mentioned. These acts of sexual violence were also said to be perpetrated by the two parties to the conflict.

1. Acts of torture perpetrated by the MPCI combatants

93. The national armed forces stationed in Daloa asserted that the MPCI combatants had cut the throats of soldiers and of some individuals, including Baoulés whose names did not sound as if they were from the north. They also said that the MPCI combatants had a ritual of drinking their victims' blood and were also said to compel other victims to drink blood and their urine.

2. Acts of torture perpetrated by the national armed forces of Côte d'Ivoire

94. Detention centres exist in the areas controlled by the Government. The gendarmarie and police barracks and schools could be potential locations for detention and torture.

3. Acts of torture perpetrated by the civilian population

95. The civilian population in Bouaké is said to have tortured and killed four MPCI combatants in the belief that the town had been recaptured by the national armed forces. The civilian population reportedly also burned the bodies of some MPCI combatants.

4. Acts of sexual violence

96. The mission received repeated reports of abuse of women in the rebel areas. Women and children were the principal victims of the conflict. Women had been raped, gang-raped, sometimes before their children, and some had been killed after being raped. The women's organization representatives with whom the mission met were plaintive about these atrocities. They were totally in contradiction with Ivorian values. How could such things happen in their beloved Côte d'Ivoire? The mission was also told of reports of abuses against women in Government-held areas during after-curfew invasions of homes by men in military uniforms who the Government claims are rebel supporters acting to tarnish the reputation of the forces of law and order and who civil society organizations claim are, at least in part, members of the

law and order forces of the Government acting on their own or to intimidate people. A human rights organization with whom the mission spoke acknowledged that there had been rebel infiltration inside Abidjan.

E. The treatment of children

97. There is no evidence of the recruitment of child soldiers on the part of the Government forces but there are credible reports that the rebel forces are doing so in large numbers. In this respect, the humanitarian agencies are investigating cases of recruitment of youths between 14 and 15 years of age in the rebel-held areas.

F. Acts of incitement to ethnic hatred and xenophobia

98. The Ivoirian crisis is characterized by the scale of acts of hatred and xenophobia. Certain sectors of the Ivoirian population are alleged to have engaged in acts of incitement to ethnic hatred, atrocities against communities of the north, and xenophobic acts.

99. According to the information received, messages of incitement to hatred have also been disseminated over radio and television. These messages have been compared to the xenophobic radio broadcasts which transmitted messages of hatred in Rwanda.

100. As regards the press, the daily newspaper *Le National* is known for its radical positions and xenophobic articles. This newspaper is a conduit for racist comments against the Muslim community and homosexuals. Daily newspapers like *Fraternité Matin and Notre Voie* which are close to the Front populaire ivoirien political party publish nationalist messages and incitement to total war. All these acts of incitement to hatred and war create tension within the Ivoirian community. The President of the Republic has spoken out several times to urge his fellow citizens not to attack foreigners.

101. In order to combat all these practices, Ivoirian civil society is mobilizing and conducting activities to raise awareness about human rights and tolerance. The actors of civil society have formed a collective for peace. This collective consists of two non-governmental organizations of international scope (the Groupe d'études et de recherche sur la démocratie et le développement and the Association internationale pour la démocratie) and representatives of Christian, Muslim and Buddhist groups and of two major national non-governmental organizations (the Ligue ivoirienne des droits de l'homme and the Mouvement ivoirien pour les droits de l'homme).

102. With the assistance of the United Nations Development Programme, the collective has undertaken activities in the areas controlled by the national armed forces to prevent inter-community clashes and thus promote peaceful inter-community and inter-religious coexistence. The activities took place specifically in 11 departments and the district of Abidjan. In each place visited, workshops were organized to conciliate and reconcile the population. At the end of the workshops, follow-up committees were established with the aim of preventing and defusing potential conflicts. In the department of Bangourou, the risk of clashes was high, and the political authorities therefore called on the collective to reduce tension. The

collective has just completed the first part of its awareness-raising activities. A review is currently under way.

103. The collective has informed the mission of its desire to extend its activities in the areas controlled by the MPCI combatants, particularly in Bouaké and Korhogo. Meanwhile, the collective will continue its activities in January 2003 in 10 other departments situated in the areas under the control of the Government.

104. Along with these activities, the Ligue ivoirienne des droits de l'homme has prepared posters and brochures to raise awareness about the protection of human rights in time of conflict. These documents are intended for distribution among the civilian population. The Ministry of Human Rights has also prepared documents of this type and brought into service a free hotline enabling the victims or witnesses of human rights violations to make complaints or to inform the authorities about abuses committed in the territory of Côte d'Ivoire.

G. Freedom of expression and of opinion

105. Freedom of expression and of opinion of journalists and political leaders has been threatened since the beginning of the conflict. This conflict is also a war of information (manipulation and disinformation). Each party has its own means of communication. The MPCI combatants have a television station (TV Notre Patrie), a radio station, a newspaper (*Liberté*), a printing works and an Internet site to disseminate their messages.

1. The situation of journalists

106. The press in Côte d'Ivoire is varied and includes nearly a dozen daily newspapers and about 30 other publications. Each political party has its own press group and newspaper.

107. Journalists in Côte d'Ivoire, particularly those who are close to the opposition parties, are the targets of violence, pressure and death threats. Press crimes are punishable by imprisonment in Côte d'Ivoire. Freedom of the press has been threatened since the beginning of the conflict in Côte d'Ivoire. Several national and international journalists have been arrested (and released fairly quickly as a result of foreign pressure) and threatened in the exercise of their profession by the Ivoirian security forces.

108. Destruction of property belonging to press groups and radio stations have occurred:

(a) On 14 October 2002, the editors-in-chief of two newspapers close to the Front populaire ivoirien (*Notre Voie and L'Actuel*) were attacked. The editor-in-chief of the newspaper *Le Nouveau Réveil* and the members of his team were physically attacked;

(b) On 16 October 2002, there was an attack on the offices of the Manyama press group in Abidjan, which edits in particular, *Le Patriote* and *Tassouman*, two daily newspapers which are close to the Rassemblement des républicains political party. Moreover, the home of the publication director of the daily newspaper *Le Patriote* was also ransacked by unidentified persons. Because of all these threats

and acts of violence, the daily newspapers *Le Patriote* and *Tassouman* had to suspend their publication;

(c) On 17 October 2002, the offices of Radio Nostalgie at Abidjan were ransacked by a group of men in military uniform.

All these acts have been confirmed and condemned by the Observatoire pour la liberté de la presse, de l'éthique et de la déontologie and by the Government.

109. According to recent information, it is difficult to access international radio stations in Côte d'Ivoire. The installations of these radio stations have also been sabotaged and damaged.

110. All these abuses also endanger the exercise of freedom of expression and of opinion and undermine the expression of pluralism.

2. The situation of political parties

111. The mission met representatives of political groups in Côte d'Ivoire, particularly the Parti démocratique de Côte d'Ivoire (PDCI-RDA), the Parti ivoirien du travail, the Front populaire ivoirien and the Union démocratique et populaire de la Côte d'Ivoire. Only the representatives of the Rassemblement des républicains were absent from the talks. According to the information received, the militants of the Rassemblement des républicains and of the Union démocratique et populaire de la Côte d'Ivoire have encountered threats to the exercise of their freedom of expression and opinion. A number of their militants are alleged to have been arrested, abducted and even executed.

112. Political assassinations have occurred since the beginning of the Ivoirian crisis. The representatives of the Union démocratique et populaire de la Côte d'Ivoire have stressed that their party has been the victim of many abuses which have led to a series of summary executions and arrests, particularly the execution of General Guéi and many militants, abductions and arrests of nearly 80 militants suspected of being accomplices of MPCI combatants. The Union démocratique et populaire de la Côte d'Ivoire is calling for clarity and justice in relation to these abuses.

113. With the climate of terror established by the death squads, political representatives fear abductions and arrests of their militants. This situation forces them to hide and regularly change their domicile so as not to be found by the death squads and the militia.

114. Moreover, political representatives have challenged the Government with regard to the need to ensure the security of persons and property. Despite the establishment of a curfew, abuses are taking place in Abidjan. In this climate of widespread insecurity, freedom of opinion of political parties is threatened or restricted. Some party representatives have stressed the fact that persons who have openly criticized the authorities have been murdered.

115. In the context of the search for peace, political representatives have given their support to the Government, in particular by signing the Declaration of 22 December 2002. Some political representatives feel that this document has many procedural defects and has been imposed on them. However, the representatives of political parties are said to be prepared to work to find a peaceful solution to the crisis. In this respect, they would like to be associated with the negotiation process.

H. Attacks on private and public property

116. Many attacks on private and public property have been perpetrated by the government authorities, the national security forces, the MPCI combatants and also by the civilian population. Most of the attacks involve destruction of property, looting and theft. Nearly 16 shantytowns are reported to have been destroyed in Abidjan.

1. Destruction of property

(a) Destruction of property in areas under the control of the government authorities

117. The Government accepts that it had been official policy to destroy homes in shantytowns. They gave as explanation for this sanitary reasons, housing policy reasons and security reasons. The destruction of homes affected some 20,000 people. The mission visited some of these areas and was pained at the sight of homes razed, cars burned and people left destitute. Conscience had taken flight in the destruction of these homes.

118. Since 20 September, the security forces, at the request of the government authorities, have undertaken the destruction of shantytowns. Nearly 16 shantytowns are reported to have been destroyed in Abidjan. During these operations, many homes were burned and razed. Moreover, cases of theft, violence and looting perpetrated by the security forces and the civilian population against the inhabitants of these neighbourhoods have been reported by human rights advocates.

119. The result of this policy has been the destruction of many dwellings belonging above all to immigrants originating from West Africa who are believed to have found refuge with their families or friends in Abidjan and in the villages. Some of them have returned to their countries of origin.

120. In October 2002, the President of the Republic called for an end to the destruction of shantytowns. Despite this decision, destruction is continuing. According to the information received, mayors are taking advantage of this crisis situation to resolve their urban space problems by destroying other shantytowns. In San Pedro, the mayor is reported to have begun destroying other shantytowns.

(b) Destruction of property in areas controlled by the Mouvement patriotique de la Côte d'Ivoire

121. The MPCI combatants have settled in various public buildings. No act of destruction of public or private buildings has been observed in Bouaké. However, the government authorities and other sources are reporting destruction by MPCI combatants of civil registers in the prefectures.

2. Looting and desecration

122. Acts of looting have taken place in several towns, both in the areas under the control of the Ivoirian armed forces and in the areas under the control of the MPCI combatants. Moreover, combatants of the two new armed movements which have appeared in the west of Côte d'Ivoire also are said to have engaged in looting.

(a) In Abidjan

123. Many cases of looting have been reported during destruction of shantytowns. The inhabitants of these neighbourhoods are said to have been assaulted and beaten up by the security forces.

(b) In Daloa and surrounding areas

124. The FANCI based in Daloa claim to have received testimony from the deputy of Blolequin reporting cases of looting and desecration of a cemetery in this district.

(c) In Bouaké

125. Since the arrival of the French forces at Bouaké, it has been observed that the MPCI combatants are making efforts to avoid acts of looting.

3. Cases of theft

126. Many cases of theft have been reported in several neighbourhoods, particularly in Abidjan, Daloa and Bouaké.

(a) In Daloa

127. The prefect of Daloa has alleged that thefts have occurred in his district. These acts are believed to have been perpetrated by prisoners released by the MPCI combatants, who do not have the administrative capacity to monitor prisons and therefore release all prisoners in their area of control.

(b) In Bouaké

128. The mission has received information about thefts of poultry and cattle. It has also been confirmed that MPCI combatants are releasing prisoners.

I. International humanitarian law

129. There is little evidence of respect for international humanitarian law in the conflict. The International Committee of the Red Cross and other organizations have called upon the armed forces of the different sides to abide by common article 3 of the Geneva Conventions and the provisions of international humanitarian law. One human rights organization which the mission met was distributing pamphlets to the armed forces reminding them of their responsibilities to respect humanitarian rules.

VI. Analysis of the human rights situation

130. In examining the human rights situation in Côte d'Ivoire, it is important to keep in mind that, whatever the political, economic and social factors that have contributed to the predicament of the country, a peaceful and prosperous country which had become home to millions of neighbouring nationals was suddenly plunged into conflict by the acts of mutinous rebels. Such a situation would challenge the government of any country.

131. Second, it is an acknowledged fact that the overwhelming majority of summary executions have been committed in the course of armed conflict. The country is bearing the terrible infractions of war.

132. Third, the Government and the security forces have had to make quick adjustments from defensive thinking to fighting a war. The period of time involved so far, some three months, has called for quick shifts in thinking, tactics and strategies. In the midst of all of this, human rights organizations acknowledge that there is at least the possibility of some rebel infiltration inside Abidjan.

133. Fourth, the Government has appointed a Minister of Human Rights, who has set out Government policy to uphold human rights and has been active on different fronts. The practical results so far are not evident. Nevertheless, it is not often that one sees in such a situation a Government making the effort of designating a minister to watch over human rights. It is important that the Minister be given the means to make her Ministry effective.

134. Fifth, the Government acknowledges that, in an exceptional situation, there have been some excesses. It says that it is trying to deal with them but there has not been concrete information of persons charged or brought to justice, although the mission was assured at the highest level that cases were being processed.

135. Sixth, the Government acknowledges that it ordered the destruction of shantytowns involving some 20,000 people but that this had stopped. This issue gives rise to great problems of conscience. It is hard to justify the deliberate destruction of buildings where human beings make their homes and live. The mission visited some of the sites and saw homes razed, cars burned and piled up, and people left desolate. This is a situation that cries out for justice and reparation.

136. Seventh, the mission could sense that, unless swift measures are taken by the Government to prevent, protect and bring to justice those responsible for excesses, the situation could slide suddenly into the abyss of human rights violations, especially if the feeling grows that a continuing war has been thrust upon a stable, prosperous, tolerant and once peaceful country or if the de facto siege of Bouaké is prolonged. It is this danger of a slide into the abyss that the mission is most fearful about.

137. Eighth, many persons with whom the mission spoke were incredulous that no follow-up had been given to the report of the United Nations inquiry mission into the Youpougon massacre. They thought that adequate follow-up to that report might have helped prevent the subsequent slide into violence. Lack of follow-up had contributed to widespread impunity. In the wake of their experience with that report, some people met the mission with scepticism. The mission promised to transmit that scepticism to the responsible bodies at the United Nations.

VII. Human rights in the peacemaking process

138. In the ceasefire and related documents signed by the parties in October, there are provisions on humanitarian issues and some mention of human rights-related issues, but human rights per se are not prominent. This is similarly the case with the documents under consideration in the ECOWAS peacemaking process.

139. President Laurent Gbagbo announced his peace plan while the mission was in the country, and there were skeletal reports of it in the press. However, as of the time of writing of the present report (29 December 2002), the mission had not seen the text.

140. There is a "Collectif des ONG pour la Paix" active in Côte d'Ivoire. Its membership includes church, human rights, pro-democracy organizations, women's organizations and others. The mission was impressed by their work for peace. They insisted that the conflict in Côte d'Ivoire was not an ethnic or religious conflict. Ivorians had always lived together in harmony. Rather, the conflict was a political one. This message was reiterated by several interlocutors who stressed that it was the political leadership of the country that was at issue. In-fighting among them had destabilized the country and paved the way for war. Political ambition had wreaked havoc and destruction. The transition from a one-party State to a multiparty democracy had been, and remains, painful.

141. The mission calls upon the international community to support in every possible way the action taken on the ground by humanitarian agencies and organizations for the protection of human rights.

VIII. Paths to the future

142. One thing is clear: Côte d'Ivoire urgently needs peace if it is to avoid the slide into further atrocities and all-out war. Ivorians of all stripes are looking to the United Nations to play a central role in the peace process. Moreover, the United Nations is viewed by Ivoirian society and the two parties to the conflict as the only organization capable of restoring peace. In view of the scale of human rights violations, the mission suggests that strategies and/or measures to safeguard human rights and protect civilian populations should be included in the agenda of the negotiating process and in any peace plan.

143. Second, the Government and the rebel leaders must emphasize efforts to prevent excesses, to protect people at risk and to bringing to justice those responsible for excesses. There should be no impunity for those who have committed grave violations of human rights and humanitarian law.

144. Third, the human rights-related issues that are at the heart of the political disputes must be addressed dispassionately. Consensual processes need to be created, bearing in mind the decisions already adopted through democratic processes. The people and the Government should not be pressurized through the resort to violence. Many people the mission met could not understand why the decision regarding the leadership of the country could not be made at the next scheduled presidential elections, due in 2005. Was it worth war to settle political disagreements?

145. Fourth, Côte d'Ivoire needs to project a vision of the future that embraces all of its people under the tent of human rights and humanitarian values. Attentiveness to the principle of non-discrimination on grounds of national origin would be important in such a projection of a national vision. The country, which had become home to millions of neighbouring nationals, is now challenged by the need to manage its own diversity. It is a spectacular case of a prosperous country with legendary hospitality that now had to grapple with the immigrant sector of its

population and their descendants, and with the political repercussions of their sympathies. One feels for the country.

146. Fifth, speeding up the establishment of a national human rights commission would send the right signals to Ivorians. The message that should come out of the establishment of such a commission is that the country intends to work towards a culture of human rights in the future.

147. Sixth, the announcement, at the highest levels, of a national human rights plan of action would send similar signals. The plan should embrace some of the central issues that are challenging the cohesiveness of the nation.

148. Seventh, the submission of outstanding reports before human rights treaty bodies would be important learning experiences. Through such processes, a Government could be assisted to negotiate the paths of coexistence in a diverse country anchored in the values of human rights and humanitarian law.

149. Eighth, the country will eventually need to learn lessons from atrocities that have been committed, especially the atrocities against women. How had Côte d'Ivoire come to such a pass? How could such things happen in a country of values and tolerance?

150. Ninth, the mission encourages the international community to develop, specifically for Ivoirian journalists and all personnel in this sector, training in professional ethics and the role of the media in the culture of peace, tolerance and human rights. These programmes must have the goal of promoting the emergence in Côte d'Ivoire of an independent, impartial and tolerant press.

151. Tenth, there is the issue of reconciliation and justice. Côte d'Ivoire will need to negotiate paths to the future that are firmly grounded in human rights values. Justice, reconciliation and peace must be done and be seen to be done.

IX. Conclusion

152. The mission wishes to thank all those who facilitated its work: the organizations and diplomatic missions it contacted before leaving; the Permanent Mission of Côte d'Ivoire in Geneva; the United Nations Country Team, which was most helpful; the President, Ministers and other members of the Government, who were all courteous and cooperative; human rights organizations in the country; diplomatic missions; civil society organizations; church leaders; the armed forces of Côte d'Ivoire and of France; leaders of MPCI and the members of the French ceasefire monitoring force who courageously and courteously assisted the mission.

153. The mission was a fast-moving one, but it did manage to speak to a cross section of Ivorian society and to obtain a reasonable picture of the human rights situation in the country. The mission reiterates the premises on which its activities took place: to return to full respect for human rights the restoration of peace is crucial. Ivorians expect the United Nations to contribute to bringing about peace. In fact, they attached the highest importance to the United Nations role. Second, even in the search for peace in the midst of conflict, fundamental standards of human rights and humanitarian law must be upheld. This is the essence of the humanitarian traditions of Côte d'Ivoire: a society with a strong democratic spirit and yearning for the rule of law and respect for human rights for all, without discrimination on grounds of nationality or origin.

Recommendations

154. As Ivorians seek to re-establish peace in their country, it will be important to anchor that peace in the observance of human rights. From this perspective, consideration may be given to ideas such as the following:

1. Agreement by all parties on a human rights platform along with a general ceasefire. This will help monitoring and reporting, and lay the basis for accountability;

2. It would be important to undertake serious investigations into grave breaches of human rights and humanitarian law. There should be no impunity for grave breaches of international human rights and humanitarian law;

3. Members of death squads must be identified and brought to justice;

4. All parties should make a commitment to the establishment of a truth and reconciliation commission;

5. All parties should commit themselves to a national human rights action plan and to an independent and inclusive national commission on human rights;

6. All parties should also commit themselves to a national, independent and inclusive media commission;

7. There is need for an independent organ to deal with relations between the Army and civilians in the frame of a broader discussion on army reform. The outcome of such a discussion will be key to the sustainability of any peace or political deal;

8. Every effort should be made to bring about a national consensus on the national constitution, keeping in mind the provisions of international human rights law. A similar consensus must be sought on the law regarding ownership of rural property;

9. It would be healthy for the country to have an independent assessment of the question of nationality, of claims of destruction of identification documents, and of the way the National Identity Office has functioned so far;

10. The electoral laws should be independently reviewed from the point of view of international human rights norms on the right of all citizens to participate in the political life of the country;

11. The issues of disarmament, demobilization and rehabilitation will need to be addressed carefully, with support from international donors;

12. The Government should give urgent consideration to the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

13. The Government should ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;

14. All victims, including those of house demolition and expulsions, should receive full and adequate reparation.